

**360networks**

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February 6, 2006

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VIA ECFS

**Marlene H. Dortch, Secretary**  
**Federal Communications Commission**  
**The Portals**  
**445 12<sup>th</sup> Street, SW**  
**Washington, DC 20554**

**Re: 360networks (USA) inc.**  
**Certification of CPNI Filing (2-6-06)**  
**EB Docket No. 06-36**  
**EB-06-TC-060**

**Dear Ms. Dortch:**

Pursuant to the Public Notice issued by the Enforcement Bureau on January 30, 2006<sup>1</sup> and the Commission rules concerning telecommunications carriers protection of the privacy of customer proprietary network information ("CPNI"),<sup>2</sup> 360networks (USA) inc. (the "Company") submits this Compliance Statement and Certificate.

The Company provides dark fiber and conduit as well as internet, private line, wavelength, optical transport and Gig E services to its customers. The Company uses CPNI to initiate, provide and maintain service to customers, to bill and collect for such services and to protect against fraudulent, abusive or unlawful use. The Company also uses CPNI to offer additional services to existing customers on a case-by-case basis. For example, CPNI may be used by a Company sales representative to offer a higher capacity circuit to a customer who is over utilizing their current circuit. Records of these customer contacts are maintained in the electronic and hard copy files of the respective account representatives. However, the Company does not currently engage in any large-scale coordinated sales and marketing campaigns. The Company's sales efforts are focused on customers in areas where the Company has built facilities.

<sup>1</sup> *Enforcement Bureau Directs All Telecommunications Carriers to Submit CPNI Compliance Certifications*, WC Docket No. 05-196, Public Notice, DA 06-223 (rel. Jan. 30, 2006) ("Public Notice").

<sup>2</sup> 47 C.F.R. § 64.2001, *et seq.*

**Marlene H. Dortch, Secretary**

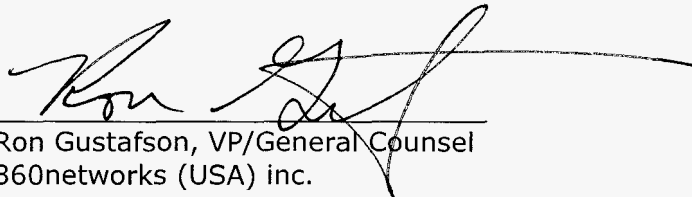
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The Company does not share, sell, lease or otherwise provide CPNI to any of its affiliates, suppliers, vendors or any other third parties for the purposes of marketing any services and has no plans ever to do so. The Company protects CPNI from unauthorized and illegal use, access and disclosure. The Employee Handbook (signed by all employees) requires that all employees protect CPNI from unauthorized disclosure. It further requires that employees sign an agreement to protect confidential information. Employees that frequently work with CPNI (i.e., accounts receivable) are specifically instructed not to disclose CPNI to anyone other than the customer. Failure to follow this policy may result in escalating disciplinary action in accordance with the Employee Handbook up to and including termination of employment. Although the Company has never received any complaint from a customer that it has misused CPNI in any fashion, in an abundance of caution and in light of the recent reports about other carriers that have released sensitive, personal subscriber information to third parties, the Company is currently auditing all of its training and discipline policies and procedures relating to the use of CPNI by Company employees. In the event the Company determines that Company employees require more training in order to protect CPNI, the Company will update its training processes and other procedures as necessary.

I am an officer of the Company and based upon my personal knowledge I certify that the foregoing statement describes the Company's efforts to protect the privacy of its customers' CPNI consistent with the Commission's CPNI rules.

Sincerely,



Ron Gustafson, VP/General Counsel  
360networks (USA) inc.

cc: Bryon McKoy via e-mail: [byron.mccoy@fcc.gov](mailto:byron.mccoy@fcc.gov)  
cc: Best Copy and Printing via e-mail [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com)